

# Town Board Minutes

October 6, 2008

Meeting No. 32

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6<sup>th</sup> day of October 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **PERSONS ADDRESSING TOWN BOARD:**

**Geloso, Linda**, spoke to the Town Board on the following:

- comments on bridge & road construction on Siebert Road

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- removal of lead from property at north end of Village of Depew
- Town facility at 3949 Walden Avenue

**Chowaniec, Lee**, spoke to the Town Board on the following matter:

- NYS grant for community bandshell

**Bromwich, Jack**, spoke to the Town Board on the following matters:

- Lancaster Rural Cemetery
- community bandshell

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Lancaster Rural Cemetery
- Town facility at 3949 Walden Avenue
- wet pond at Kohl's Department Store on Transit Road

**Perry, Ralph**, spoke to the Town Board on the following matters:

- multiple issues

**Schneggenburger, Roy**, spoke to the Town Board on the following matters:

- Lancaster Rural Cemetery
- Minutes of Town Board meeting of 9/15/08
- Town facility at 3949 Walden Avenue

**Symer, Donald**, spoke to the Town Board on the following matter:

- appropriation to Lancaster Rural Cemetery

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the petition of Kevin King for modification of the Conservation Easement on premises locally known as 71 Michael Anthony Lane.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Questions</b>
John Bailey, Attorney for the petitioner	
Henry Seege	Opponent
Judy Seege	Opponent
Agnes Kasprowicz	Opponent
Lee Chowaniec	Proponent
Kathy Szymanski	Opponent
Ed Ruminski	Opponent
Ralph Perry	Comments

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 9:01 P.M.

Decision on this matter was reserved.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
September 15, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, a Public Hearing was held on the 19<sup>th</sup> day of May, 2008, on the petition of **Frank J. Todaro**, for the rezone of certain property located at 5035 Transit Road, in the Town of Lancaster, New York from General Business (GB) to Commercial and Motor Service (CMS), and

**WHEREAS**, the Planning Board of the Town of Lancaster at its meeting held April 16, 2008, recommended approval of the rezone, and

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster at its meeting held September 11, 2008, granted the area variance, and

**WHEREAS**, a SEQR review was completed on the proposed rezone and project on May 19, 2008 and a Negative Declaration issued, and

**WHEREAS**, a Notice of said Hearing has been duly published and posted, and

**WHEREAS**, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a to General Business (GB) to Commercial and Motor Service (CMS):

**5035 Transit Road**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. eleven (11), Section ten (10), Township eleven (11), Range six (6) of the Holland Land Company's Survey and further distinguished as Subdivision Lots Numbers one (1) to three (3) inclusive and Subdivision Lots Numbers thirty (30) to thirty-four (34) inclusive, Block Number fourteen (14) as shown on a map filed in the Erie County Clerk's Office under cover number

**Accepting and Reserving** from the above described premises the westerly seventeen (17) feet of Subdivision Lots Numbers one (1) to three (3) inclusive, Block Number fourteen (14) as shown on a map filed in the Erie County Clerk's Office under cover number 556.

2. That the Zoning Amendment is subject to the proponent/developer meeting the following conditions:

- a) No fueling allowed.
- b) Applicant agrees to apply for a Special Use permit.

3. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 6<sup>th</sup> day of October, 2008;

4. That a certified copy thereof be published in the Lancaster Bee, on or before the 9<sup>th</sup> day of October, 2008;

5. That Affidavits of Publication be filed with the Town Clerk; and

6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

**LEGAL NOTICE  
NOTICE OF ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER  
FRANK TODARO  
5035 TRANSIT ROAD**

**LEGAL NOTICE IS HEREBY GIVEN** that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a General Business (GB) to Commercial and Motor Services (CMS)

**5035 Transit Road**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. eleven (11), Section ten (10) , Township eleven (11), Range six (6) of the Holland Land Company’s Survey and further distinguished as Subdivision Lots Numbers one (1) to three (3) inclusive and Subdivision Lots Numbers thirty (30) to thirty-four (34) inclusive, Block Number fourteen (14) as shown on a map filed in the Erie County Clerk’s Office under cover number

**Accepting and Reserving** from the above described premises the westerly seventeen (17) feet of Subdivision Lots Numbers one (1) to three (3) inclusive, Block Number fourteen (14) as show on a map filed in the Erie County Clerk’s Office under cover number 556.

**October 6, 2008**

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 6<sup>th</sup> day of October, 2008 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto signed my hand and affixed the Seal of said Town this 6<sup>th</sup> day of October, 2008.

**(S E A L)**

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Supervisor of the Town of Lancaster has recommended to the Town Board that Friday, October 31, 2008 between the hours of 6:00 P.M. and 8:30 P.M. be set for the observance of Halloween “Trick or Treat” within the Town of Lancaster.

**WHEREAS**, the Lancaster Village Board has designated this date and time for this observance within the Village limits.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby declares Friday, October 31, 2008, between the hours of 6:00 P.M. and 8:30 P.M., as the official period during which Halloween “Trick or Treat” activities may be observed within the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

File: RPR (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Supervisor of the Town of Lancaster has recommended to the Town Board the reappointment of Jean Brunea as a member of the Town of Lancaster Assessment Review Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Jean Brunea, 599 Harris Hill Road, Lancaster, New York 14086, be and is hereby appointed a member of the Town of Lancaster Assessment Review Board for the term of October 1, 2008 to September 30, 2013.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS,** the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant Funds for the year 2009-2010 and must identify eligible projects which would benefit low to moderate income persons in the Town, and

**WHEREAS,** the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposals to meet those needs to assist the Town Board in developing the Town application for Community Development Block Grant funds:

**NOW, THEREFORE, BE IT**

**RESOLVED,** that a Public Hearing, to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York on the 20<sup>th</sup> day of October, 2008, at 8:30 o'clock P.M., Local Time, and the Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

**NOTICE OF PUBLIC HEARING  
NOTICE TO CITIZENS OF  
THE TOWN OF LANCASTER**

NOTICE IS HEREBY GIVEN that a public hearing will be held on the 20<sup>th</sup> day of October at 8:30 o'clock P.M., local time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by October 14, 2008.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

October 6, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, State Senator Dale Volker has secured \$25,000 through the New York State Office of Parks, Recreation and Historic Preservation toward the construction of a community bandshell, and

**WHEREAS**, construction of a bandshell will provide a needed venue to present cultural programming to the community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Robert H. Giza, as Supervisor, of the Town of Lancaster, is hereby authorized to sign legal documents on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**WHEREAS**, the State of New York Solid Waste Management Act of 1988, listed in Part 371 of the NYS Codes, Rules and Regulations (6 NYCRR) prepared in accordance with 6 NYCRR Part 360, established a statewide goal to maximize solid waste reduction and recovery to the extent economically and technically feasible, and

**WHEREAS**, the Act calls for all municipalities of New York to be part of a solid waste management unit and to develop, and have the State approve, a Solid Waste Management Plan, and

**WHEREAS**, consistent with this plan, the Northeast Southtowns Solid Waste Management Board (NEST) is to achieve a 50 percent or more recycling rate by 2012, the end of the ten-year planning period, and

**WHEREAS**, NEST, a designated Solid Waste Planning Unit recognized by the New York State Department of Environmental Conservation (NYSDEC), consisting of municipal representatives and serving a region that includes 37 municipalities (22 towns, 14 villages, and one city) in Erie County, New York, and

**WHEREAS**, NEST is required to address the solid waste management needs of the municipalities within its borders, and

**WHEREAS**, the NEST Solid Waste Management Plan identifies Erie County as the administrator of the plan, and

**WHEREAS**, the State of New York and the local solid waste management boards have provided financial aid to Erie County to support a Recycling Coordinator position to serve Erie County municipalities, and

**WHEREAS**, the Recycling Coordinator for Erie County acts as the staff for NEST and has provided the administrative support for the implementation of the Solid Waste Management Plan, and

**WHEREAS**, Erie County, with the support of NEST, has prepared and submitted a grant application to the NYSDEC for the Recycling Coordinator position for 2009-2011, and

**WHEREAS**, the State of New York has delayed funding of the Recycling Coordinator position, and

**WHEREAS**, the local solid waste boards intend to continue to contribute financial support to offset costs associated with the Recycling Coordinator position, and

**WHEREAS**, the local solid waste boards are concerned with the possible loss of the position of Recycling Coordinator from the 2009 budget.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board urges the County Executive of Erie County to continue to provide support to assist in implementing the mandatory requirements of the Solid Waste Management Plan; and

**BE IT FURTHER**

**RESOLVED**, that this Town Board requests that the County Executive of Erie County utilize its funding support to convert the position of Recycling Coordinator to a county-line position until grant funding is reinstated.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has been notified by the Lancaster Rural Cemetery Association in a letter addressed to the Director of Administration and Finance and dated August 29, 2008 that it would be advantageous to them to receive a second contribution from the Town for its operating expenses for the year 2008 in the sum of \$5,000, and

**WHEREAS**, the Town Board has reviewed this matter and is aware that in the event that this not-for-profit organization ceases to exist that the Town of Lancaster would become responsible for the maintenance and upkeep of said cemetery pursuant to Town Law, §291 which would place a significant financial burden on town taxpayers, and

**WHEREAS**, the Town Board deems it in the public interest to assist the Lancaster Rural Cemetery Association so that not-for-profit organization can continue to operate and maintain the Lancaster Rural Cemetery without this obligation falling to the Town;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to provide the sum of \$5,000 to the Lancaster Rural Cemetery Association for its continued operation and maintenance of the beforementioned cemetery, which sum is in addition to the contribution authorized on April 7, 2008.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, RDI, LLC**, Transit Road, Suite 140, East Amherst, New York, has submitted a Site Plan prepared by Silvestri Architects, PC dated September 26, 2008 and received September 29, 2008 for the proposed construction of a 12,176 square foot addition to the Lancaster Professional Building to be located at 4893 Transit Road in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the original plan and at its meeting on September 3, 2008 has recommended approval of this project, and

**WHEREAS**, a SEQR Review of this project was held October 6, 2008 and a negative declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **RDI, LLC** and prepared by Silvestri Architects, PC dated September 26, 2008 and received September 29, 2008 for the proposed construction of a 12,176 square foot addition to the Lancaster Professional Building located at 4893 Transit Road in the Town of Lancaster with the following condition  
:

1) An Engineering Report providing details of the potable water system, including data concerning available water pressure within the existing private water system, projected water demands and line losses must be submitted to the Town’s Building Department and Engineer prior to receipt of a building permit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the developer has requested the Town Board of the Town of Lancaster accept completed Public Improvements within Wainwright Court Subdivision, within the Town of Lancaster, and

**WHEREAS**, the Town Engineer by letter to the Town Clerk dated September 30, 2008 has inspected the improvements and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney, by letter to the Town Clerk dated October 3, 2008, has reported his favorable review for the acceptance of these public improvements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that, with the following conditions, completed Public Improvements No. 630 - Pavement & Curb, 631 - Detention Pond, No. 632 - Storm Sewer and No. 633 - Water Line within Wainwright Court Subdivision, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:  
and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney is directed to attend to filing the deed causing the dedication of the road(s) to the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

File: RPIP (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 4548 to Claim No. 4862 Inclusive

Total amount hereby authorized to be paid: \$702,406.25

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are  
hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of  
Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

16189	North Pines Const	81 Sawyer Ave	Re-Roof House	(V/L)
16190	S & A Debris Removal	3 Field Ave	Dem. Garage	
16191	Grassi, Robert III	13 Ashwood Ct	Er. Res. Alt.	
16192	Cornell, Robert	27 Plumb Creek Trl	Re-Roof House	
16193	Freeman, Cassandra	1 Heritage Dr	Re-Roof House	
16194	Empaco Equipment	6439 Transit Rd	Inst. Pumps	
16195	Liszkiewicz, Michael	740 Ransom Rd	Er. Deck	
16196	Koninieć, Casimer	152 Sheldon Ave	Re-Roof House	(V/L)
16197	F&D Construction	32 Westwood Rd	Re-Roof House	
16198	Marrano/Marc Equity	9 St Davids Rd	Er. Dwlg.-Sin.	
16199	Marrano/Mark Equity	71 Avian Way	Er. Dwlg.-Sin.	
16200	Classic Fence	9 Heathrow Ct	Er. Fence	
16201	Przykuta, Eric	110 Brunswick Rd	Er. Deck	(V/L)
16202	Sahlem's Roofing	56 Running Brook Dr	Re-Roof House	
16203	Natale Building Corp	22 Nicholas Ln	Er. Dwlg.-Sin.	
16204	Natale Building Corp	15 Nicholas Ln	Er. Dwlg.-Sin.	
16205	City Fence Inc	58 Briarwood Dr	Er. Fence	(V/L)
16206	Burch, Emily	14 Holland Ave	Re-Roof Porch	(V/L)
16207	Siebold Const. Inc	55 Albert Dr	Re-Roof House	(V/L)
16208	Santos, Miquel	73 Southpoint Dr	Re-Roof House	
16209	Housecrafters LLC	20 Greenbriar Dr	Re-Roof House	
16210	Northeast Mechanical	50 Quail Run Ln	Install Generator	
16211	Springville Fence	45 Edgewood Rd	Er. Fence	(V/L)
16212	Stone, Thomas	52 Cotton St	Re-Roof House	(V/L)
16213	Black Hat Chimney	16 Winding Way	Er. Fireplace	
16214	TR Renovations	16214 James Pl	Re-Roof House	(V/L)
16215	All General Builders	513 Ransom Rd	Er. Garage	
16216	Panasiewicz, Anthony	45 Wayne St	Er. Shed	(V/L)
16217	Pietras Builders Inc	9 Sussex Ln	Er. Res. Add.	
16218	North Forest Properties	2809 Wehrle Dr	Er. Sign-Wall - Suite 7	
16219	Patrick Homes	4678 Walden Ave	Er. Dwlg.-Dbl.	
16220	Patrick Homes	4676 Walden Ave	Er. Dwlg.-Sin.	

16221	Gubala, Peter	5608 Broadway	Er. Sign	(V/L)
16222	Cefali, Roman	3 Field Ave	Er. Garage	(V/L)
16223	Bulera, Thomas	594 Lake Ave	Re-Roof House	
16224	Zgoda, Leonard	69 Gale Dr	Re-Roof House	
16225	Mike Sebastiano & Sons	269 Westwood Rd	Er. Garage	
16226	The Building Co	3 Michael's Walk	Er. Deck	
16227	Sahlem Const Co	5 Matthews Dr	Re-Roof House	
16228	LaGambina, Moe	24 Sawgrass Ln	Er. Fence	
16229	Iroquois Fence	19 Hillside Pky	Er. Fence	
16230	Truesdale, Laura	81 Irwinwood Rd	Er. Fence	(V/L)
16231	Truesdale, Laura	81 Irwinwood Rd	Re-Roof House	(V/L)
16232	Parco Building Systems	404 Harris Hill Rd	Er. Pole Barn	
16233	Custom Sign Co	3575 Walden Ave	Er. Sign-Wall	(V/L)
16234	Valois, Dave	155 Lake Ave	Re-Roof House	(V/L)
16235	DeBartolomeo, Rose	662 Aurora St	Re-Roof House	
16236	Lampka Const	54 Rehm Rd	Er. Deck	
16237	White, Donald	5448 Broadway	Repair Header	(V/L)
16238	Beckwith, Shaun	542 Aurora St	Er. Res. Add.	
16239	Sitzman Appliance	5269 William St	Install Generator	
16240	White, Christopher	45 Kurtz Ave	Er. Garage	(V/L)
16241	JDI Home Imprv	67 Pardee Ave	Re-Roof House	(V/L)
16242	National Contr	4931 Transit Rd	Er. Comm. Bldg.	
16243	Statewide Const	4056 Walden Ave	Re-Roof House	
16244	Neth and Son	9 Hillside Pky	Re-Roof House	
16245	Neth & Son	18 Rollingwood Dr	Re-Roof House	
16246	Beebe Const	36 Spruceland Ter	Re-Roof House	
16247	Beebe Const	22 Fieldstone Ln	Re-Roof House	
16248	Stevenson, Richard	19 Beatrix Cir	Er. Shed	
16249	Makowski, Jeffrey	17 Harold Pl	Er. Fence	(V/L)
16250	A Best Const	13 Daniel Dr	Re-Roof House	
16251	A Best Const	26 Elm Pl	Re-Roof House	(V/L)
16252	Old Time Woodworker	56 Wilkshire Pl	Re-Roof House	(V/L)
16253	Sun Enterprises Inc	7 Michael's Walk	Er. Shed	
16254	Simme, George	62 Carter St	Re-Roof House	(V/L)
16255	Stockmohr Co	11 Giele Ave	Re-Roof House	
16256	Duro-Shed	6267 Genesee St	Er. Shed	
16257	TR Renovations	36 Sagebrush Ln	Re-Roof House	
16258	Lent Builders	206N Maple Dr	Er. Res. Add.	
16259	Besroi Construction	57S Miller Ave	Re-Roof House	
16260	Duro-Shed	5732 Broadway	Er. Shed	
16261	Forbes Homes Inc	36 Wainwright Ct	Er. Dwlg.-Sin.	
16262	Forbes Homes Inc	37 Wainwright Ct	Er. Dwlg.-Sin.	
16263	Jarmuz, John	91 Sixth Ave	Install Generator	(V/L)
16264	Patio Enclosures	16 Winding Way	Er. Res. Add.	

16265	Majestic Pools Inc	5 Bridgewater Ct	Er. Pool-In Grnd	
16266	Majestic Pools Inc	5 Bridgewater Ct	Er. Fence	
16267	Picket Fence	177 Irwinwood Rd	Er. Fence	(V/L)
16268	Collingwood Const	28 Partridge Walk	Re-Roof House	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 6, 2008

## COMMUNICATIONS & REPORTS

439. Neill & Strong, PLLC to Town Clerk -  
Notice of Public Hearing to be held October 9, 2008 regarding Local Laws No. 4, 5, & 6 of the Year 2008 for the Town of Marilla. DISPOSITION = Received & Filed
440. WIVB-TV & WNLO-TV to Supervisor -  
Letter regarding on-going negotiations with TimeWarner, Inc for carriage of WIVB-TV and WNLO-TV on local cable. DISPOSITION = Received & Filed
441. Buffalo Lancaster Airport Inc. to L.I.D.A., Supervisor -  
Transmittal of website article regarding growth and facilities of Buffalo Lancaster Airport. DISPOSITION = Received & Filed
442. Erie County Department of Environment and Planning to Supervisor -  
Notice of meeting to be held Thursday, September 25, 2008, 4:30 PM in West Seneca regarding 2009-2010 Community Development Block Grants application. DISPOSITION = Received & Filed
443. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -  
Notice from Town Forestry Department of no issues with site plan for Pavement Road Senior Apartments, 6026 Broadway. DISPOSITION = Planning Committee
444. NYS DEC to Planning Board Chairman -  
Notification of Lead Agency Designation regarding Regent Corporation Storage Facility, 3839 Walden Avenue; comments noted. DISPOSITION = Received & Filed
445. Executive Director, Youth Bureau to Supervisor, Town Board -  
Request to continue participation with Lancaster Central School District in providing a Program Coordinator for the Family Support Center for 2008 - 2009. DISPOSITION = For Resolution
446. Village of Lancaster to Town Board -  
Minutes of meeting held September 8, 2008. DISPOSITION = Received & Filed
447. AMF Bowling Centers to Town Clerk -  
Advisement of liquor license renewal application for AMF Lancaster Lanes, 4913 Transit Road. DISPOSITION = Town Attorney
448. Chairman, Lancaster Industrial Development Agency to Town Clerk -  
Submission of LIDA preliminary 2009 budget and request to post legal notice. DISPOSITION = Received & Filed
449. Hull House Foundation to Supervisor -  
Request for increase of appropriation in 2009 Town Budget. DISPOSITION = Budget Director
450. Erie County Department of Environment & Planning, Division of Sewerage Management to Supervisor -  
Response to request regarding capacity for Out of District Customer at 6114 Broadway. DISPOSITION = Planning Committee
451. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held September 17, 2008. DISPOSITION = Received & Filed
452. Planning Board to Town Board -  
Notice of adjournment to October 1, 2008 regarding site plan for Pavement Road Senior Apartments; conditions noted. DISPOSITION = Planning Committee
453. Supervisor to Town Board, Town Clerk -  
Request re-appointment of Jean Brunea to Board of Assessment Review. DISPOSITION = Resolution 10/6/08

454. NYS Department of Environmental Conservation to Town Attorney -  
Transmittal of final comments on environmental issue regarding Freshwater Wetland LA-16 regulation at Creekside at Pleasant Meadows Subdivision, Newberry Lane & Juniper Blvd. DISPOSITION = Received & Filed
455. NYS Department of Environmental Conservation to Town of Lancaster:  
Notification of availability of funds for projects to eradicate invasive species from the ecosystems of New York State. DISPOSITION = Received & Filed
456. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -  
Notice of SEQR meeting to be held October 6, 2008, 6:30 PM regarding the site plan application of Lancaster Professional Building. DISPOSITION = Received & Filed
457. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -  
Notice of SEQR meeting to be held October 6, 2008, 6:30 PM regarding the site plan application of Regent Corporation. DISPOSITION = Received & Filed
458. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held October 6, 2008, 6:30 PM regarding the site plan application of Lancaster Professional Building and Regent Corporation. DISPOSITION = Received & Filed
459. George Grasser to Irene Liguori, Buffalo News Correspondent -  
Comments on story in The Buffalo News on fence in a Town of Lancaster subdivision. DISPOSITION = Received & Filed
460. Village of Lancaster to Town Board -  
Minutes of meeting held September 22, 2008. DISPOSITION = Received & Filed
461. NYS DEC to Wetlands Investigation Co. -  
Letter indicating wetland lands delineation regarding proposed Transit Commons Retail Center, 5007 - 5019 Transit Road. DISPOSITION = Received & Filed
462. NYS DOT to Town Attorney -  
Notification of Lead Agency Designation regarding site plan for Professional Office Building, 4893 Transit Road; comment noted. DISPOSITION = Received & Filed
463. NYS DOT to Town Attorney -  
Notification of Lead Agency Designation regarding site plan for Benderson Retail Center, 4817 Transit Road; comments noted. DISPOSITION = Received & Filed
464. Town Clerk to Supervisor -  
Monthly report for September 2008. DISPOSITION = Received & Filed
465. WIVB-TV to Town Board -  
Information regarding negotiations between WIVB-TV and Time-Warner Cable. DISPOSITION = Received & Filed
466. Erie County Legislature to Supervisor -  
Transmittal of resolution opposing consolidation of Registrar of Vital Statistics duties to county level. DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at 9:52 P.M. in memory of Ann Germain LoCicero and M. Elaine Roudet.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk